

**Notice of Allowability**

Application No.

09/853,450

Examiner

Stuart F. Baum

Applicant(s)

YANOFSKY ET AL.

Art Unit

1638

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/28/2003.
2. ☒ The allowed claim(s) is/are 1, 3-4, 9, 16, 29, 32-34, 39, 41, 43-45, 50, 63 (renumber 1-16).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment         |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other _____                                     |

Stuart F. Baum

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mathew Hinch on 10/27/03.

3. IN THE CLAIMS:

Claims 11, 13, 15, 17-27, 30-31, 36, 38, 49, 51-61, and 64-65 have been canceled.

In claim 1, 3<sup>rd</sup> line, the phrase --and having transcriptional activation activity-- has been inserted after "SEQ ID NO:2".

In claim 1, 9<sup>th</sup> line, the phrase --and having transcriptional activation activity-- has been inserted after "SEQ ID NO:32".

In claim 1, 8<sup>th</sup> line, "SEP3" has been replaced with --SEPALLATA3 (SEP3)--.

In claim 16, 1<sup>st</sup> line, "15" has been replaced with --1--.

In claim 29, 1<sup>st</sup> line, "28" has been replaced with --1--.

32. A method of decreasing the time period to the initiation [timing of] of reproductive development in a plant, the method comprising,

ectopically expressing a first polynucleotide encoding an APETALA1 gene product exhibiting at least 90% sequence identity to SEQ ID NO:2 and having transcriptional activation activity and ectopically expressing a second nucleic acid molecule encoding a SEPALLATA3 [SEP3] gene product exhibiting at least 90% sequence identity to SEQ ID NO:32 and having transcriptional activation activity, thereby producing a plant with a decreased [timing] time period to the initiation of reproductive development compared to a plant lacking the first and second ectopically expressed polynucleotides.

In claim 33, lines 3 and 4, the phrase “an APETALA1 gene product exhibiting at least 90% sequence identity to” has been deleted.

In claim 33 lines 8 and 9, the phrase “a SEP3 gene product exhibiting at least 90% sequence identity to” has been deleted.

In claim 39, 1<sup>st</sup> line, --ectopically expressed-- has been inserted after the word “first”.

In claim 41, 1<sup>st</sup> line, --ectopically expressed-- has been inserted after the word “second”.

In claim 50, 1<sup>st</sup> line, “49” has been replaced with --32--.

In claim 63, 1<sup>st</sup> line, “62” has been replaced with --32--.

In claim 63, 2<sup>nd</sup> line, “SEP3” has been replaced with --SEPALLATA3--.

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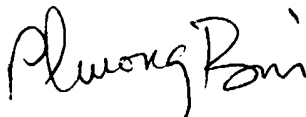
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stuart F. Baum whose telephone number is 703-305-6997. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on 703-306-3218. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Stuart F. Baum Ph.D.

October 28, 2003

  
PHUONG T. BUI  
PRIMARY EXAMINER  
10/31/03